

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1309**

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**Introduced by Assembly Member Miller**

February 18, 2011

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An act to ~~amend Section 969.6 of~~ *add Section 969.7 to* the Streets and Highways Code, relating to ~~highways~~ *public roads*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1309, as amended, Miller. ~~County road expenditures. Public roads: fire suppression.~~

*Existing law authorizes a county board of supervisors, after adopting a resolution, as specified, determining that the general county interest demands the improvement or repair of a privately owned road, to improve or repair that road and to pay for those improvements or repairs in a like manner as improvements or repairs of county highways.*

*This bill would grant a board of supervisors the same authority with respect to improvement and repair of a public road that is not a county highway or part of the county maintained system, if necessary for purposes of fire suppression.*

~~Existing law, if a state of emergency is declared by the board of supervisors as a result of locally heavy rainfall or flood, authorizes the board to expend county road funds for emergency repairs to public roads that are not county highways if the repairs are necessary to provide minimum public access for the protection and preservation of health or safety of residents.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 969.7 is added to the Streets and*  
2     *Highways Code, to read:*

3     969.7. A board of supervisors may, after it has determined by  
4     a resolution adopted by a four-fifths vote of its membership that  
5     the general county interest demands the improvement or repair of  
6     a public road that is not a county highway and is not in the county  
7     maintained system, improve or repair the road if the improvements  
8     or repairs are necessary for the purpose of fire suppression. Those  
9     improvements or repairs shall be made and paid for in like manner  
10    as improvements or repairs of county highways. Proceedings under  
11    this section shall not cause the road to become a county highway.

12    ~~SECTION 1. Section 969.6 of the Streets and Highways Code~~  
13    ~~is amended to read:~~

14    ~~969.6. Notwithstanding Section 969.5 or any other provision~~  
15    ~~of this code, if a state of local emergency is declared by the board~~  
16    ~~of supervisors as a result of locally heavy rainfall or flood, the~~  
17    ~~board may authorize the expenditure of road funds for the purpose~~  
18    ~~of emergency repairs to public roads that are not county highways~~  
19    ~~and not in the county maintained system, without obtaining a grant~~  
20    ~~or lease of right-of-way, if the repairs are necessary to provide~~  
21    ~~minimum public access for the protection or preservation of health~~  
22    ~~or safety of residents. The county shall not be responsible for the~~  
23    ~~maintenance of any road so repaired, and it shall not be liable for~~  
24    ~~the condition of the road after the emergency repairs are made.~~